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*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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**STATE AIR POLLUTION CONTROL BOARD  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
GENERAL ENGINEERING CO. OF VIRGINIA**

**Registration No. 11680**

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and General Engineering Co. of Virginia, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permits and regulations.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and -1301.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. "Facility" means the General Engineering Co. of Virginia, a hydraulic cylinder manufacturing facility located at The Highlands Business Park at 13203 Owens Drive, near Glade Spring, Washington County, Virginia.

5. “General Engineering Co. of Virginia” means General Engineering Co. of Virginia, a corporation authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. General Engineering Co. of Virginia is a ‘person’ within the meaning of Va. Code § 10.1-1300.
6. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
7. “Order” means this document, also known as a “Consent Order” or “Order by Consent,” a type of Special Order under the Virginia Air Pollution Control Law.
8. “PCE” means partial compliance evaluation by DEQ staff.
9. “Permit” means a New Source Review Permit to operate hydraulic cylinder manufacturing facility which was issued under the Air Pollution Control Law and the Regulations effective November 15, 2010.
10. “Regulations” or “Regulations for the Control and Abatement of Air Pollution”, means 9 VAC 5 chapters 10 through 80.
11. “SWRO” means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.
12. “Va. Code” means the Code of Virginia (1950), as amended.
13. “VAC” means the Virginia Administrative Code.
14. “Virginia Air Pollution Control Law” means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

#### **SECTION C: Findings of Facts and Conclusions of Law**

1. General Engineering Co. of Virginia owns and operates the Facility in Washington County, Virginia.
2. On November 20, 2019, DEQ staff conducted a PCE of the Facility. During the PCE, DEQ staff noted the use of non-equivalent coatings in the spraying operation and failure to submit notification to DEQ that additional toxic compounds were being used in the spray booth.
3. Condition No. 5 of the Permit states, “The throughput of the following or equivalent coatings to the Pneu-Mech Systems spray booth shall not exceed a combined total of 5.63 gallons per hour and 435 gallons per year...”
4. 9 VAC 5-80-1180 states: “...D. Minor NSR permits will contain, but need not be

limited to, any of the following elements as necessary to ensure that the permits are enforceable as a practical matter:

1. Emission standards.
2. Conditions necessary to enforce emission standards. Conditions may include but not be limited to, any of the following:
  - b. Limits on production rates with time frames as appropriate to support the emission standards. ...
  - d. Limits on the minimum required capture, removal and overall control efficiency for any air pollution control equipment...”
5. Condition No. 21 of the Permit states, “...The permittee may use additional toxic compounds...in the spray booth under 9 VAC 5-60-300 without obtaining a new permit provided the following conditions are met:
  - a. Notification shall be given to the Director, Southwest Regional Office. Such notification shall be made within fifteen (15) days after the use of additional toxic compounds...”
6. 9 VAC 5-60-340 states: “The owner of an affected facility shall upon request of the board submit such information as may be needed to determine the applicability of, or compliance with, this article...”
7. On January 14, 2020, based on the November 20, 2019 PCE, the Department issued a Notice of Violation No. ASWRO001400 to General Engineering Co. of Virginia for the alleged violation described in paragraph C(2) above.
8. On January 15, 2020, the Department received a telephone response to the NOV from the Facility.
9. On February 11, 2020, the Department met with representatives of the Facility regarding the January 14, 2020 NOV.
10. Based on the results of the November 20, 2019 PCE, the December 20, 2019 response and the February 11, 2020 meeting, the Board concludes that General Engineering Co. of Virginia has violated Condition 5 and 21 of the Permit and 9 VAC 5-80-1180 and 9 VAC 5-60-340 as described in paragraph C(2) through C(6).

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and - 1316, the Board orders General Engineering Co. of Virginia and General Engineering Co. of Virginia agrees to:

1. Pay a civil charge of \$2,425 within 30 days of the effective date of the Order in settlement of the violation cited in this Order.

Each payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia", delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

General Engineering Co. of Virginia shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, General Engineering Co. of Virginia shall be liable for attorneys' fees of 30% of the amount outstanding.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of General Engineering Co. of Virginia for good cause shown by General Engineering Co. of Virginia, or on its own motion pursuant to the Administrative Process Act Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses only those violations specifically identified in Section C of this Order and NOV No.ASWRO001400 dated January 14, 2020. This Order shall not preclude the Board or Director from taking any action authorized by law, including, but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, General Engineering Co. of Virginia admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. General Engineering Co. of Virginia consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.

5. General Engineering Co. of Virginia declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law, and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board or Director to modify, rewrite, amend, or enforce this Order.
6. Failure by General Engineering Co. of Virginia to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. General Engineering Co. of Virginia shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. General Engineering Co. of Virginia shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. General Engineering Co. of Virginia shall notify DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition listed above, which the parties intend to assert will result in the impossibility of compliance, shall constitute waiver of any claim of inability to comply with a requirement of this

Order.

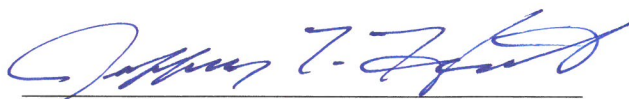
9. This Order is binding on the parties hereto, their successors in interest, designees, and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and General Engineering Co. of Virginia. Nevertheless, General Engineering Co. of Virginia agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until:
  - a. The Director or his designee terminates the Order after General Engineering Co. of Virginia has completed all of the requirements of the Order.
  - b. General Engineering Co. of Virginia petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order, or
  - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to General Engineering Co. of Virginia.

Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve General Engineering Co. of Virginia from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by General Engineering Co. of Virginia and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of General Engineering Co. of Virginia certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind General Engineering Co. of Virginia to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of General Engineering Co. of Virginia
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, General Engineering Co. of Virginia voluntarily agrees to the issuance of this Order.

And it is ORDERED this 18<sup>th</sup> day of March, 2020

A handwritten signature in blue ink, appearing to read "Jeffrey L. Hurst", written over a horizontal line.

Jeffrey L. Hurst - Regional Director  
Department of Environmental Quality

General Engineering Co. of Virginia voluntarily agrees to the issuance of this  
Order.

Date: 3-11-2020 By: [Signature]  
John Owens, President  
General Engineering Co. of Virginia

State of Virginia

City/County of Washington

The foregoing document was signed and acknowledged before me this 11 day of  
March, 2020 by John Owens who is  
PRESIDENT of General Engineering Co. of Virginia,  
on behalf of the company.

[Signature]  
Notary Public

11768789  
Registration No.

My commission expires: 10-31-2022

Notary Seal:

